

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

LANCIE THOMPSON and DARA SINGH,

Plaintiffs,

v.

SAFETY-KLEEN SYSTEMS, INC., *et al.*,

Defendants.

No. C06-1270RSL

ORDER GRANTING MOTION FOR
WITHDRAWAL OF COUNSEL
FOR PLAINTIFF DARA SINGH

I. INTRODUCTION

This matter comes before the Court on the “Motion for Withdrawal of Counsel for Plaintiff Dara Singh” (Dkt. #55). In their motion, counsel for plaintiff Singh request leave of Court to withdraw from this matter under Local General Rule 2(g)(4)(A) because of plaintiff’s inability to communicate or cooperate with counsel. *Id.* at 2. Defendants oppose the motion to withdraw because they contend plaintiff should be dismissed with prejudice from this case and because defendants should be awarded fees and costs. Response at 1. For the reasons set forth below, the Court grants plaintiff Singh’s counsel’s motion to withdraw.

II. DISCUSSION

Under Local General Rule 2(g)(4)(A), “No attorney shall withdraw an appearance in any cause, civil or criminal, except by leave of court. Leave shall be obtained by filing a motion or a stipulation for withdrawal[.] . . . The attorney will ordinarily be permitted to withdraw until

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1 sixty days before the discovery cut off in a civil case.” The Court has broad discretion to
2 interpret and apply this local rule. See Miranda v. S. Pac. Transp. Co., 710 F.2d 516, 521 (9th
3 Cir. 1983) (“District courts have broad discretion in interpreting and applying their local
4 rules.”). Pursuant to Rule 1.16(b) of the Washington Rules of Professional Conduct, “a lawyer
5 may withdraw from representing a client if: (7) . . . good cause for withdrawal exists.”

6 In this case, given the Court’s order holding the discovery cutoff in abeyance pending a
7 ruling on four motions (Dkt. ##44, 48, 55 & 56) including this one, plaintiff’s counsel should be
8 permitted to withdraw based on the schedule in this case. See Dkt. #66. The Court also finds
9 that based on the declaration of attorney John Crosetto, good cause for withdrawal exists.¹ See
10 Dkt. #55 (Crosetto Decl.). On May 22, 2007, counsel informed plaintiff that if he continued to
11 refuse to cooperate in the litigation, counsel could no longer represent him. Id. at ¶3. On June 1
12 and June 6, 2007, plaintiff’s counsel confirmed with plaintiff that he would appear for his
13 deposition. Id. at ¶4. Despite these assurances to counsel, however, plaintiff failed to appear for
14 his deposition, and plaintiff’s counsel was unable to reach him on the morning of June 7, 2007.
15 Id. Given this conduct, the Court sanctioned plaintiff. See Dkt. #89 (Order Granting In Part and
16 Denying In Part Defendants’ Motions for Sanctions Against Plaintiff Singh). Withdrawal is also
17 supported in this matter because plaintiff has voluntarily dismissed his case. See Dkt. #90
18 (Order Granting Plaintiff Singh’s Motion for Voluntary Nonsuit”). Furthermore, as required by
19 GR 2(g)(4)(A), counsel’s motion to withdraw was served on plaintiff Singh and he did not
20 respond. See Dkt. #55 (Crosetto Decl.) at ¶6. Finally, all of the arguments asserted by
21 defendants in opposition to plaintiff’s counsel’s motion have been addressed in the Court’s
22 “Order Granting Plaintiff Singh’s Motion for Voluntary Nonsuit” and the “Order Granting In
23 Part and Denying In Part Defendants’ Motion for Sanctions Against Plaintiff Singh,” and are

24
25 ¹ David Breskin is also granted leave to withdraw because he has left the law offices of Short
26 Cressman & Burgess. See Dkt. #65.

1 therefore now moot. See Dkt. ##89, 90.

2 **III. CONCLUSION**

3 For all of the foregoing reasons, the Court GRANTS the “Motion for Withdrawal of
4 Counsel for Plaintiff Dara Singh” (Dkt. #55).

5 DATED this 28th day of August, 2007.

7 

8 Robert S. Lasnik
9 United States District Judge